IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7267 of 2005

Between:

P.P. Reddy, Conductor, E-303655, S/o. Thamas Reddy,
R/o. H.No. 1-1-1072, Siddaradha Nagar, R.E.C. (Post),

Warangal District.

..... PETITIONER

AND

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1 The Regional Manager, APSRTC, Warangal Region,

Warangal District.
2 The Divisional Manager, APSRTC, Warangal Division,

Warangal District.
3 The Depot Manager, APSRTC, Thorrur Bus Depot,
Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in issuing the proceeding No. 02/95(4)/98-TRR, dt.18-5-1998 as illegal, arbitrary and unjust and consequently set aside the proceedings proceeding No. 02/95(4)/98-TRR dt.18-5-1998 issued by the 3rd Respondent.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for Respondents: SMT.P.RAJANI REDDY

The Court at the admission stage made the following :

ORDER:

Questioning the penalty imposed by the third respondent on the petitioner withholding the annual increment with cumulative effect by impugned proceedings No.02/95(4)98-TRR, dated 18-5-1998, the present writ petition is filed.

Mr. G. Ravi Mohan, learned counsel appearing for the petitioner contended that without conducting any enquiry, major penalty has been imposed on the petitioner and therefore, the impugned proceedings are liable to be set aside.

On the other hand, the learned Standing Counsel appearing for the respondents contended that the penalty was imposed in the year 1998 and therefore, there are no grounds to interfere with the impugned proceedings.

For certain irregularities said to have been committed by the petitioner, a charge sheet dated 12.02.1998 was issued to him, and the petitioner submitted his explanation on 16-2-1998. As the explanation was not satisfactory, the disciplinary authority imposed major penalty of deferment of annual increment with cumulative effect. Admittedly, no regular departmental enquiry was conducted in this case. Imposing of major penalty without conducting any regular departmental enquiry cannot be sustained under law. Though it is a matter to be remitted back to the disciplinary authority for passing appropriate orders, the learned counsel appearing for the petitioner requested this Court to modify the major penalty imposed by the second respondent to that of a minor penalty. As the alleged irregularities have taken place in the year 1998, at this point of time, it is not desirable to remit back the matter to the Disciplinary Authority for conducting any regular departmental enquiry and further more the petitioner has requested to impose a minor penalty. Therefore, the penalty can be modified in view of the peculiar facts and circumstances of the case.

In the result, the writ petition is disposed of modifying the penalty of deferment of annual increment with cumulative effect to that of deferment of annual increment without cumulative effect. No costs.

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K.C. Bhanu, J.

4th April 2005

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To

1 The Regional Manager, APSRTC, Warangal Region,

Warangal District.
2 The Divisional Manager, APSRTC, Warangal Division,

Warangal District.
3 The Depot Manager, APSRTC, Thorrur Bus Depot,
Warangal District.

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